

REMARKS

Status of the Claims

Upon entry of the amendment above, claims 8-24 will be pending, claims 8 and 21 being independent.

Summary of Office Action

Claim 16 is objected to for lack of antecedent basis for "lower guiding surface" and for an apparent double inclusion of "an upper surface."

Claims 8-14 and 16 are rejected under 35 USC §102(b) as being anticipated by WO 02/49728 ("WO '728).

Claim 15 is rejected under 35 USC §103(a) as being unpatentable over WO '728 in view of HAUGHLIN (U.S. Patent No. 5,664,797).

Response to the Office Action

A. Summary of the Amendment

Claim 16 has been amended above so that the body of the claim is as follows: "at least in part of the central zone, a transverse width of the upper support surface is greater than a width of a lower gliding surface."

By means of this amendment, the expression "the lower gliding surface of the ski" is changed to "a lower gliding surface of the ski." In addition, the "upper surface" is changed to "the upper support surface" (which is mentioned in parent claim 8).

B. Withdrawal of the Objection to Claim 16

Applicants kindly request reconsideration and withdrawal of the objection to claim 16, inasmuch as, in view of the amendment, the instances of apparent indefiniteness are believed to have been addressed and have been remedied. More particularly, there remains no instance of a lack of antecedent basis and double inclusion.

C. Withdrawal of the Rejection of Claims 8-14 and 16 Based Upon WO '728

Applicants kindly request reconsideration and withdrawal of the rejection of claims 8-14 and 16 under 35 USC §102(b) over WO '728 at least for the following reasons.

WO '728 is directed to a particular structure for an *alpine* ski (see, e.g., the second paragraph of page 1 of the text of WO '728, as well as the second paragraph of page 8) and includes structures which are incompatible with the terms of Applicants' claims. In this regard, "when a skier using the cross-country ski system exerts a pressure force" (as Applicants specify in claim 8) "the upper support surface [of the ski is] capable of coming in direct contact with the boot."

Applicants respectfully submit that WO '728 is non-responsive to this language of claim 8.

If conventional front and rear alpine bindings were to be mounted on the ski of WO '728 (such bindings not being illustrated in the drawings of WO '728), the boot would directly contact the support plates of the bindings – i.e., the boot would not directly contact the ski.

Nevertheless, page 3 of the Office action, in lines 9-11, includes the assertion (with regard to WO '728) "the upper support surface being capable of coming in direct contact with the boot when a skier using the cross-country ski system exerts a pressure force (fig 6, element 5' and 5")." Further, lines 6-7 of page 3 of the Office action includes the assertion that the upper support surface of the ski of WO '728 is "arranged on at least one of two lateral sides (elevated central area 3 in figs 5-7)."

Applicants respectfully question the accuracy of the assertions.

Further, Applicants respectfully traverse the assertion that WO '728 discloses a "cross-country ski system." Instead, WO '728 discloses an alpine ski system.

In claim 9, Applicants refer to at least one lateral shoulder of the ski for supporting the boot and, in claim 10, Applicants refer to lateral shoulders on respective lateral sides of the ski. On page 3, the Office action includes the assertion that WO '728 discloses these shoulders. Reference is made to the shoulders of WO '728 as elements 7', 7". On the contrary, elements 7', 7" are "cutouts" in the ski. Further, there is no evidence that a boot could/would be supported on shoulders of the WO '728.

The comments in the middle of page 4 of the Office action regarding Applicants' claim 14 appear to be in error. There reference is made that elements 42' and 42" are a "binding device" and that such "binding device" has a width less than the width of the ski.

On the contrary, elements 42', 42" appear to be merely plates upon which bindings are to be mounted. They are not bindings.

Although alpine bindings might have a width less than the width of the ski to which they are secured, once the bindings are mounted, the boot would not directly contact the upper surface of the ski directly.

In view of the foregoing, Applicants have not amended their claims, but request reconsideration and withdrawal of the rejection under 35 USC §102(b).

D. Withdrawal of the Rejection of Claims 15-24 Based Upon WO '728 + HAUGHLIN

Applicants kindly request reconsideration and withdrawal of the rejection of claims 15-24 under 35 USC §103(a) as being unpatentable over WO '728 in view of HAUGHLIN at least for the following reasons.

Applicants respectfully submit that this rejection is illogical and, accordingly, Applicants have not amended their claims in response thereto.

The §102 rejection above was supported, at least in part, with the assertion that elements 42' and 42" of WO '728 are bindings. Here, in this §103 rejection, the assertion is made that "WO '728 is silent as to the specifics of the binding device"

In any event, because WO '728 fails to disclose a specific binding device, reliance is had upon HAUGHLIN, in concluding that it would have been obvious to have used the HAUGHLIN cross-country binding on the WO '728 ski.

Applicants respectfully submit that if the reliance upon HAUGHLIN in the prior Office action was a mistake (i.e., HAUGHLIN not disclosing the invention), coupling HAUGHLIN with WO '728 is also a mistake. As Applicants pointed out in their traverse of the rejection in the prior Office action, *the boot secured to the ski with the HAUGHLIN binding would not be directly supported on the upper surface of the ski.*

In addition, HAUGHLIN's binding includes a baseplate for supporting the boot, yet Applicants' claim 15 includes the following limitation: "the binding device includes no baseplate"

Still further, Applicants question the following statement in the Office action in support of the reliance upon HAUGHLIN: "WO '728 is silent as to the specifics of the binding device,

but states that it is known to substitute ski bindings and ski boots to a more safe binding (pg 3, ln 22-24, pg 4, ln 5, pg 7 2nd full paragraph)." Applicants do not understand the reference to a "more safe binding" and, therefore, request clarification.

In the middle of page 7, the Office action includes the following comments regarding Applicants' claim 22 (which, like claim 15, states that the binding device includes no baseplate): "the combination of WO '278 and Haughlin discloses the binding device includes no base plate that would prevent a lower external surface of the boot from direct supporting engagement on the upper surfaces of the ski (WO '278, fig 6, element 5')."

On the contrary, HAUGHLIN includes binding plate 28.


CONCLUSION

The objection and rejections advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

Payment of a fee for an extension of time is being made herewith. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and/or complete to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number, fax number, or e-mail address given below.

Respectfully submitted,
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January 23, 2009
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